



Sen. Kwame Raoul

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LRB098 17635 RLC 60505 a

1 AMENDMENT TO HOUSE BILL 4283

2 AMENDMENT NO. _____. Amend House Bill 4283 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 14-1, 14-2, 14-3, 14-4, and 14-5 and adding
6 Section 14-10 as follows:

7 (720 ILCS 5/14-1) (from Ch. 38, par. 14-1)

8 Sec. 14-1. Definitions ~~Definition~~.

9 (a) Eavesdropping device.

10 An eavesdropping device is any device capable of being used
11 to hear or record private conversations ~~oral conversation~~ or
12 intercept, ~~retain,~~ or transcribe private electronic
13 communications whether such conversation or electronic
14 communication is conducted in person, by telephone, or by any
15 other means; Provided, however, that this definition shall not
16 include devices used for the restoration of the deaf or

1 hard-of-hearing to normal or partial hearing.

2 (b) Eavesdropper.

3 An eavesdropper is any person, including any law
4 enforcement officer and any party to a private conversation
5 ~~officers, who is a principal, as defined in this Article, or~~
6 who operates or participates in the operation of any
7 eavesdropping device contrary to the provisions of this Article
8 or who acts as a principal, as defined in this Article.

9 (c) Principal.

10 A principal is any person who:

11 (1) Knowingly employs another who illegally uses an
12 eavesdropping device in the course of such employment; or

13 (2) Knowingly derives any benefit or information from
14 the illegal use of an eavesdropping device by another; or

15 (3) Directs another to use an eavesdropping device
16 illegally on his or her behalf.

17 (d) Private conversation ~~Conversation~~.

18 For the purposes of this Article, "private ~~the term~~
19 conversation" means any oral communication between 2 or more
20 persons, whether in person or transmitted between the parties
21 by wire or other means, when ~~regardless of whether~~ one or more
22 of the parties intended the ~~their~~ communication to be of a
23 private nature under circumstances reasonably justifying that
24 expectation. A reasonable expectation shall include any
25 expectation recognized by law, including, but not limited to,
26 an expectation derived from a privilege, immunity or right

1 established by common law, Supreme Court rule or the Illinois
2 or United States Constitution.

3 (e) Private electronic ~~Electronic~~ communication.

4 For purposes of this Article, ~~the term~~ "private electronic
5 communication" means any transfer of signs, signals, writing,
6 images, sounds, data, or intelligence of any nature transmitted
7 in whole or part by a wire, radio, pager, computer,
8 electromagnetic, photo electronic or photo optical system,
9 when where the sending or and receiving party intends parties
10 ~~intend~~ the electronic communication to be private under
11 circumstances reasonably justifying that expectation. A
12 reasonable expectation shall include any expectation
13 recognized by law, including, but not limited to, an
14 expectation derived from a privilege, immunity or right
15 established by common law, Supreme Court rule or the Illinois
16 or United States Constitution ~~and the interception, recording,~~
17 ~~or transcription of the electronic communication is~~
18 ~~accomplished by a device in a surreptitious manner contrary to~~
19 ~~the provisions of this Article.~~ Electronic communication does
20 not include any communication from a tracking device.

21 (f) Bait car.

22 For purposes of this Article, "bait car" ~~the term bait car~~
23 means any motor vehicle that is not occupied by a law
24 enforcement officer and is used by a law enforcement agency to
25 deter, detect, identify, and assist in the apprehension of an
26 auto theft suspect in the act of stealing a motor vehicle.

1 (g) Surreptitious.

2 For purposes of this Article, "surreptitious" means
3 obtained or made by stealth or deception, or executed through
4 secrecy or concealment.

5 (Source: P.A. 95-258, eff. 1-1-08.)

6 (720 ILCS 5/14-2) (from Ch. 38, par. 14-2)

7 Sec. 14-2. Elements of the offense; affirmative defense.

8 (a) A person commits eavesdropping when he or she knowingly
9 and intentionally:

10 (1) Uses ~~Knowingly and intentionally~~ uses an
11 eavesdropping device, in a surreptitious manner, for the
12 purpose of overhearing, transmitting, ~~hearing~~ or recording
13 all or any part of any private conversation to which he or
14 she is not a party ~~or intercepts, retains, or transcribes~~
15 ~~electronic communication~~ unless he or she does so ~~(A)~~ with
16 the consent of all of the parties to the private ~~such~~
17 conversation ~~or electronic communication or (B) in~~
18 ~~accordance with Article 108A or Article 108B of the "Code~~
19 ~~of Criminal Procedure of 1963", approved August 14, 1963,~~
20 ~~as amended; or~~

21 (2) Uses an eavesdropping device, in a surreptitious
22 manner, for the purpose of transmitting or recording all or
23 any part of any private conversation to which he or she is
24 a party unless he or she does so with the consent of all
25 other parties to the private conversation;

1 (3) Intercepts, records, or transcribes, in a
2 surreptitious manner, any private electronic communication
3 to which he or she is not a party unless he or she does so
4 with the consent of all parties to the private electronic
5 communication;

6 (4) ~~(2)~~ Manufactures, assembles, distributes, or
7 possesses any electronic, mechanical, eavesdropping, or
8 other device knowing that or having reason to know that the
9 design of the device renders it primarily useful for the
10 purpose of the surreptitious overhearing, transmitting,
11 ~~hearing~~ or recording of private oral conversations or the
12 interception, ~~retention,~~ or transcription of private
13 electronic communications and the intended or actual use of
14 the device is contrary to the provisions of this Article;
15 or

16 (5) ~~(3)~~ Uses or discloses ~~divulges, except as~~
17 ~~authorized by this Article or by Article 108A or 108B of~~
18 ~~the "Code of Criminal Procedure of 1963", approved August~~
19 ~~14, 1963, as amended,~~ any information which he or she knows
20 or reasonably should know was obtained from a private
21 conversation or private electronic communication in
22 violation of this Article, unless he or she does so with
23 the consent of all of the parties.

24 (a-5) It does not constitute a violation of this Article to
25 surreptitiously use an eavesdropping device to overhear,
26 transmit, or record a private conversation, or to

1 surreptitiously intercept, record, or transcribe a private
2 electronic communication, if the overhearing, transmitting,
3 recording, interception, or transcription is done in
4 accordance with Article 108A or Article 108B of the Code of
5 Criminal Procedure of 1963.

6 (a-6) Nothing in this Article shall be construed to
7 authorize or permit a law enforcement officer or any person
8 acting at the direction of law enforcement, to use an
9 eavesdropping device, regardless of the person's expectation
10 of privacy, to overhear, transmit, or record a private
11 conversation or to intercept, record, or transcribe a private
12 electronic communication, except under Article 108, Article
13 108A, or Article 108B of the Code of Criminal Procedure of
14 1963, or under a specific exemption set forth in Section 14-3
15 of this Article through the use of an eavesdropping device.

16 (b) It is an affirmative defense to a charge brought under
17 this Article relating to the interception of a privileged
18 communication that the person charged:

19 1. was a law enforcement officer acting pursuant to an
20 order of interception, entered pursuant to Section 108A-1
21 or 108B-5 of the Code of Criminal Procedure of 1963; and

22 2. at the time the communication was intercepted, the
23 officer was unaware that the communication was privileged;
24 and

25 3. stopped the interception within a reasonable time
26 after discovering that the communication was privileged;

1 and

2 4. did not disclose the contents of the communication.

3 (c) It is not unlawful for a manufacturer or a supplier of
4 eavesdropping devices, or a provider of wire or electronic
5 communication services, their agents, employees, contractors,
6 or venders to manufacture, assemble, sell, or possess an
7 eavesdropping device within the normal course of their business
8 for purposes not contrary to this Article or for law
9 enforcement officers and employees of the Illinois Department
10 of Corrections to manufacture, assemble, purchase, or possess
11 an eavesdropping device in preparation for or within the course
12 of their official duties.

13 (d) The interception, recording, or transcription of an
14 electronic communication by an employee of a penal institution
15 is not prohibited under this Act, provided that the
16 interception, recording, or transcription is:

17 (1) otherwise legally permissible under Illinois law;

18 (2) conducted with the approval of the penal
19 institution for the purpose of investigating or enforcing a
20 State criminal law or a penal institution rule or
21 regulation with respect to inmates in the institution; and

22 (3) within the scope of the employee's official duties.

23 For the purposes of this subsection (d), "penal
24 institution" has the meaning ascribed to it in clause (c) (1) of
25 Section 31A-1.1.

26 (Source: P.A. 94-183, eff. 1-1-06.)

1 (720 ILCS 5/14-3)

2 Sec. 14-3. Exemptions. The following activities shall be
3 exempt from the provisions of this Article:

4 (a) Listening to radio, wireless electronic
5 communications, and television communications of any sort
6 where the same are publicly made;

7 (b) Hearing conversation when heard by employees of any
8 common carrier by wire incidental to the normal course of their
9 employment in the operation, maintenance or repair of the
10 equipment of such common carrier by wire so long as no
11 information obtained thereby is used or divulged by the hearer;

12 (c) Any broadcast by radio, television or otherwise whether
13 it be a broadcast or recorded for the purpose of later
14 broadcasts of any function where the public is in attendance
15 and the conversations are overheard incidental to the main
16 purpose for which such broadcasts are then being made;

17 (d) Recording or listening with the aid of any device to
18 any emergency communication made in the normal course of
19 operations by any federal, state or local law enforcement
20 agency or institutions dealing in emergency services,
21 including, but not limited to, hospitals, clinics, ambulance
22 services, fire fighting agencies, any public utility,
23 emergency repair facility, civilian defense establishment or
24 military installation;

25 (e) Recording the proceedings of any meeting required to be

1 open by the Open Meetings Act, as amended;

2 (f) Recording or listening with the aid of any device to
3 incoming telephone calls of phone lines publicly listed or
4 advertised as consumer "hotlines" by manufacturers or
5 retailers of food and drug products. Such recordings must be
6 destroyed, erased or turned over to local law enforcement
7 authorities within 24 hours from the time of such recording and
8 shall not be otherwise disseminated. Failure on the part of the
9 individual or business operating any such recording or
10 listening device to comply with the requirements of this
11 subsection shall eliminate any civil or criminal immunity
12 conferred upon that individual or business by the operation of
13 this Section;

14 (g) With prior notification to the State's Attorney of the
15 county in which it is to occur, recording or listening with the
16 aid of any device to any conversation where a law enforcement
17 officer, or any person acting at the direction of law
18 enforcement, is a party to the conversation and has consented
19 to it being intercepted or recorded under circumstances where
20 the use of the device is necessary for the protection of the
21 law enforcement officer or any person acting at the direction
22 of law enforcement, in the course of an investigation of a
23 forcible felony, a felony offense of involuntary servitude,
24 involuntary sexual servitude of a minor, or trafficking in
25 persons under Section 10-9 of this Code, an offense involving
26 prostitution, solicitation of a sexual act, or pandering, a

1 felony violation of the Illinois Controlled Substances Act, a
2 felony violation of the Cannabis Control Act, a felony
3 violation of the Methamphetamine Control and Community
4 Protection Act, any "streetgang related" or "gang-related"
5 felony as those terms are defined in the Illinois Streetgang
6 Terrorism Omnibus Prevention Act, or any felony offense
7 involving any weapon listed in paragraphs (1) through (11) of
8 subsection (a) of Section 24-1 of this Code. Any recording or
9 evidence derived as the result of this exemption shall be
10 inadmissible in any proceeding, criminal, civil or
11 administrative, except (i) where a party to the conversation
12 suffers great bodily injury or is killed during such
13 conversation, or (ii) when used as direct impeachment of a
14 witness concerning matters contained in the interception or
15 recording. The Director of the Department of State Police shall
16 issue regulations as are necessary concerning the use of
17 devices, retention of tape recordings, and reports regarding
18 their use;

19 (g-5) With approval of the State's Attorney of the county
20 in which it is to occur, recording or listening with the aid of
21 any device to any conversation where a law enforcement officer,
22 or any person acting at the direction of law enforcement, is a
23 party to the conversation and has consented to it being
24 intercepted or recorded in the course of an investigation of
25 any offense defined in Article 29D of this Code. In all such
26 cases, an application for an order approving the previous or

1 continuing use of an eavesdropping device must be made within
2 48 hours of the commencement of such use. In the absence of
3 such an order, or upon its denial, any continuing use shall
4 immediately terminate. The Director of State Police shall issue
5 rules as are necessary concerning the use of devices, retention
6 of tape recordings, and reports regarding their use.

7 Any recording or evidence obtained or derived in the course
8 of an investigation of any offense defined in Article 29D of
9 this Code shall, upon motion of the State's Attorney or
10 Attorney General prosecuting any violation of Article 29D, be
11 reviewed in camera with notice to all parties present by the
12 court presiding over the criminal case, and, if ruled by the
13 court to be relevant and otherwise admissible, it shall be
14 admissible at the trial of the criminal case.

15 This subsection (g-5) is inoperative on and after January
16 1, 2005. No conversations recorded or monitored pursuant to
17 this subsection (g-5) shall be inadmissible in a court of law
18 by virtue of the repeal of this subsection (g-5) on January 1,
19 2005;

20 (g-6) With approval of the State's Attorney of the county
21 in which it is to occur, recording or listening with the aid of
22 any device to any conversation where a law enforcement officer,
23 or any person acting at the direction of law enforcement, is a
24 party to the conversation and has consented to it being
25 intercepted or recorded in the course of an investigation of
26 ~~involuntary servitude, involuntary sexual servitude of a~~

1 ~~minor, trafficking in persons,~~ child pornography, aggravated
2 child pornography, indecent solicitation of a child, ~~child~~
3 ~~abduction,~~ luring of a minor, sexual exploitation of a child,
4 ~~predatory criminal sexual assault of a child,~~ aggravated
5 criminal sexual abuse in which the victim of the offense was at
6 the time of the commission of the offense under 18 years of
7 age, or criminal sexual abuse by force or threat of force in
8 which the victim of the offense was at the time of the
9 commission of the offense under 18 years of age, ~~or aggravated~~
10 ~~criminal sexual assault in which the victim of the offense was~~
11 ~~at the time of the commission of the offense under 18 years of~~
12 ~~age.~~ In all such cases, an application for an order approving
13 the previous or continuing use of an eavesdropping device must
14 be made within 48 hours of the commencement of such use. In the
15 absence of such an order, or upon its denial, any continuing
16 use shall immediately terminate. The Director of State Police
17 shall issue rules as are necessary concerning the use of
18 devices, retention of recordings, and reports regarding their
19 use. Any recording or evidence obtained or derived in the
20 course of an investigation of ~~involuntary servitude,~~
21 ~~involuntary sexual servitude of a minor, trafficking in~~
22 ~~persons,~~ child pornography, aggravated child pornography,
23 indecent solicitation of a child, ~~child abduction,~~ luring of a
24 minor, sexual exploitation of a child, ~~predatory criminal~~
25 ~~sexual assault of a child,~~ aggravated criminal sexual abuse in
26 which the victim of the offense was at the time of the

1 commission of the offense under 18 years of age, or criminal
2 sexual abuse by force or threat of force in which the victim of
3 the offense was at the time of the commission of the offense
4 under 18 years of age, ~~or aggravated criminal sexual assault in~~
5 ~~which the victim of the offense was at the time of the~~
6 ~~commission of the offense under 18 years of age~~ shall, upon
7 motion of the State's Attorney or Attorney General prosecuting
8 any case involving ~~involuntary servitude, involuntary sexual~~
9 ~~servitude of a minor, trafficking in persons,~~ child
10 pornography, aggravated child pornography, indecent
11 solicitation of a child, ~~child abduction,~~ luring of a minor,
12 sexual exploitation of a child, ~~predatory criminal sexual~~
13 ~~assault of a child,~~ aggravated criminal sexual abuse in which
14 the victim of the offense was at the time of the commission of
15 the offense under 18 years of age, or criminal sexual abuse by
16 force or threat of force in which the victim of the offense was
17 at the time of the commission of the offense under 18 years of
18 age, ~~or aggravated criminal sexual assault in which the victim~~
19 ~~of the offense was at the time of the commission of the offense~~
20 ~~under 18 years of age,~~ be reviewed in camera with notice to all
21 parties present by the court presiding over the criminal case,
22 and, if ruled by the court to be relevant and otherwise
23 admissible, it shall be admissible at the trial of the criminal
24 case. Absent such a ruling, any such recording or evidence
25 shall not be admissible at the trial of the criminal case;

26 (h) Recordings made simultaneously with the use of an

1 in-car video camera recording of an oral conversation between a
2 uniformed peace officer, who has identified his or her office,
3 and a person in the presence of the peace officer whenever (i)
4 an officer assigned a patrol vehicle is conducting an
5 enforcement stop; or (ii) patrol vehicle emergency lights are
6 activated or would otherwise be activated if not for the need
7 to conceal the presence of law enforcement.

8 For the purposes of this subsection (h), "enforcement stop"
9 means an action by a law enforcement officer in relation to
10 enforcement and investigation duties, including but not
11 limited to, traffic stops, pedestrian stops, abandoned vehicle
12 contacts, motorist assists, commercial motor vehicle stops,
13 roadside safety checks, requests for identification, or
14 responses to requests for emergency assistance;

15 (h-5) Recordings of utterances made by a person while in
16 the presence of a uniformed peace officer and while an occupant
17 of a police vehicle including, but not limited to, (i)
18 recordings made simultaneously with the use of an in-car video
19 camera and (ii) recordings made in the presence of the peace
20 officer utilizing video or audio systems, or both, authorized
21 by the law enforcement agency;

22 (h-10) Recordings made simultaneously with a video camera
23 recording during the use of a taser or similar weapon or device
24 by a peace officer if the weapon or device is equipped with
25 such camera;

26 (h-15) Recordings made under subsection (h), (h-5), or

1 (h-10) shall be retained by the law enforcement agency that
2 employs the peace officer who made the recordings for a storage
3 period of 90 days, unless the recordings are made as a part of
4 an arrest or the recordings are deemed evidence in any
5 criminal, civil, or administrative proceeding and then the
6 recordings must only be destroyed upon a final disposition and
7 an order from the court. Under no circumstances shall any
8 recording be altered or erased prior to the expiration of the
9 designated storage period. Upon completion of the storage
10 period, the recording medium may be erased and reissued for
11 operational use;

12 (i) Recording of a conversation made by or at the request
13 of a person, not a law enforcement officer or agent of a law
14 enforcement officer, who is a party to the conversation, under
15 reasonable suspicion that another party to the conversation is
16 committing, is about to commit, or has committed a criminal
17 offense against the person or a member of his or her immediate
18 household, and there is reason to believe that evidence of the
19 criminal offense may be obtained by the recording;

20 (j) The use of a telephone monitoring device by either (1)
21 a corporation or other business entity engaged in marketing or
22 opinion research or (2) a corporation or other business entity
23 engaged in telephone solicitation, as defined in this
24 subsection, to record or listen to oral telephone solicitation
25 conversations or marketing or opinion research conversations
26 by an employee of the corporation or other business entity

1 when:

2 (i) the monitoring is used for the purpose of service
3 quality control of marketing or opinion research or
4 telephone solicitation, the education or training of
5 employees or contractors engaged in marketing or opinion
6 research or telephone solicitation, or internal research
7 related to marketing or opinion research or telephone
8 solicitation; and

9 (ii) the monitoring is used with the consent of at
10 least one person who is an active party to the marketing or
11 opinion research conversation or telephone solicitation
12 conversation being monitored.

13 No communication or conversation or any part, portion, or
14 aspect of the communication or conversation made, acquired, or
15 obtained, directly or indirectly, under this exemption (j), may
16 be, directly or indirectly, furnished to any law enforcement
17 officer, agency, or official for any purpose or used in any
18 inquiry or investigation, or used, directly or indirectly, in
19 any administrative, judicial, or other proceeding, or divulged
20 to any third party.

21 When recording or listening authorized by this subsection
22 (j) on telephone lines used for marketing or opinion research
23 or telephone solicitation purposes results in recording or
24 listening to a conversation that does not relate to marketing
25 or opinion research or telephone solicitation; the person
26 recording or listening shall, immediately upon determining

1 that the conversation does not relate to marketing or opinion
2 research or telephone solicitation, terminate the recording or
3 listening and destroy any such recording as soon as is
4 practicable.

5 Business entities that use a telephone monitoring or
6 telephone recording system pursuant to this exemption (j) shall
7 provide current and prospective employees with notice that the
8 monitoring or recordings may occur during the course of their
9 employment. The notice shall include prominent signage
10 notification within the workplace.

11 Business entities that use a telephone monitoring or
12 telephone recording system pursuant to this exemption (j) shall
13 provide their employees or agents with access to personal-only
14 telephone lines which may be pay telephones, that are not
15 subject to telephone monitoring or telephone recording.

16 For the purposes of this subsection (j), "telephone
17 solicitation" means a communication through the use of a
18 telephone by live operators:

- 19 (i) soliciting the sale of goods or services;
20 (ii) receiving orders for the sale of goods or
21 services;
22 (iii) assisting in the use of goods or services; or
23 (iv) engaging in the solicitation, administration, or
24 collection of bank or retail credit accounts.

25 For the purposes of this subsection (j), "marketing or
26 opinion research" means a marketing or opinion research

1 interview conducted by a live telephone interviewer engaged by
2 a corporation or other business entity whose principal business
3 is the design, conduct, and analysis of polls and surveys
4 measuring the opinions, attitudes, and responses of
5 respondents toward products and services, or social or
6 political issues, or both;

7 (k) Electronic recordings, including but not limited to, a
8 motion picture, videotape, digital, or other visual or audio
9 recording, made of a custodial interrogation of an individual
10 at a police station or other place of detention by a law
11 enforcement officer under Section 5-401.5 of the Juvenile Court
12 Act of 1987 or Section 103-2.1 of the Code of Criminal
13 Procedure of 1963;

14 (l) Recording the interview or statement of any person when
15 the person knows that the interview is being conducted by a law
16 enforcement officer or prosecutor and the interview takes place
17 at a police station that is currently participating in the
18 Custodial Interview Pilot Program established under the
19 Illinois Criminal Justice Information Act;

20 (m) An electronic recording, including but not limited to,
21 a motion picture, videotape, digital, or other visual or audio
22 recording, made of the interior of a school bus while the
23 school bus is being used in the transportation of students to
24 and from school and school-sponsored activities, when the
25 school board has adopted a policy authorizing such recording,
26 notice of such recording policy is included in student

1 handbooks and other documents including the policies of the
2 school, notice of the policy regarding recording is provided to
3 parents of students, and notice of such recording is clearly
4 posted on the door of and inside the school bus.

5 Recordings made pursuant to this subsection (m) shall be
6 confidential records and may only be used by school officials
7 (or their designees) and law enforcement personnel for
8 investigations, school disciplinary actions and hearings,
9 proceedings under the Juvenile Court Act of 1987, and criminal
10 prosecutions, related to incidents occurring in or around the
11 school bus;

12 (n) Recording or listening to an audio transmission from a
13 microphone placed by a person under the authority of a law
14 enforcement agency inside a bait car surveillance vehicle while
15 simultaneously capturing a photographic or video image;

16 (o) The use of an eavesdropping camera or audio device
17 during an ongoing hostage or barricade situation by a law
18 enforcement officer or individual acting on behalf of a law
19 enforcement officer when the use of such device is necessary to
20 protect the safety of the general public, hostages, or law
21 enforcement officers or anyone acting on their behalf;

22 (p) Recording or listening with the aid of any device to
23 incoming telephone calls of phone lines publicly listed or
24 advertised as the "CPS Violence Prevention Hotline", but only
25 where the notice of recording is given at the beginning of each
26 call as required by Section 34-21.8 of the School Code. The

1 recordings may be retained only by the Chicago Police
2 Department or other law enforcement authorities, and shall not
3 be otherwise retained or disseminated; and

4 (q) (1) With prior request to and ~~verbal~~ approval of the
5 State's Attorney of the county in which the conversation is
6 anticipated to occur, recording or listening with the aid of an
7 eavesdropping device to a conversation in which a law
8 enforcement officer, or any person acting at the direction of a
9 law enforcement officer, is a party to the conversation and has
10 consented to the conversation being intercepted or recorded in
11 the course of an investigation of a qualified drug offense. The
12 State's Attorney may grant this ~~verbal~~ approval only after
13 determining that reasonable cause exists to believe that
14 inculpatory conversations concerning a qualified drug offense
15 will occur with ~~be committed by~~ a specified individual or
16 individuals within a designated period of time.

17 (2) Request for approval. To invoke the exception contained
18 in this subsection (q), a law enforcement officer shall make a
19 ~~written or verbal~~ request for approval to the appropriate
20 State's Attorney. The request may be written or verbal;
21 however, a written memorialization of the request must be made
22 by the State's Attorney. This request for approval shall
23 include whatever information is deemed necessary by the State's
24 Attorney but shall include, at a minimum, the following
25 information about each specified individual whom the law
26 enforcement officer believes will commit a qualified drug

1 offense:

2 (A) his or her full or partial name, nickname or alias;

3 (B) a physical description; or

4 (C) failing either (A) or (B) of this paragraph (2),
5 any other supporting information known to the law
6 enforcement officer at the time of the request that gives
7 rise to reasonable cause to believe that the specified
8 individual will participate in an inculpatory conversation
9 concerning a qualified ~~commit a drug~~ offense.

10 (3) Limitations on ~~verbal~~ approval. Each written ~~verbal~~
11 approval by the State's Attorney under this subsection (q)
12 shall be limited to:

13 (A) a recording or interception conducted by a
14 specified law enforcement officer or person acting at the
15 direction of a law enforcement officer;

16 (B) recording or intercepting conversations with the
17 individuals specified in the request for approval,
18 provided that the ~~verbal~~ approval shall be deemed to
19 include the recording or intercepting of conversations
20 with other individuals, unknown to the law enforcement
21 officer at the time of the request for approval, who are
22 acting in conjunction with or as co-conspirators with the
23 individuals specified in the request for approval in the
24 commission of a qualified ~~drug~~ offense;

25 (C) a reasonable period of time but in no event longer
26 than 24 consecutive hours; ~~-~~

1 (D) the written request for approval, if applicable, or
2 the written memorialization must be filed, along with the
3 written approval, with the circuit clerk of the
4 jurisdiction on the next business day following the
5 expiration of the authorized period of time, and shall be
6 subject to review by the Chief Judge or his or her designee
7 as deemed appropriate by the court.

8 (3.5) The written memorialization of the request for
9 approval and the written approval by the State's Attorney may
10 be in any format, including via facsimile, email, or otherwise,
11 so long as it is capable of being filed with the circuit clerk.

12 (4) Admissibility of evidence. No part of the contents of
13 any wire, electronic, or oral communication that has been
14 recorded or intercepted as a result of this exception may be
15 received in evidence in any trial, hearing, or other proceeding
16 in or before any court, grand jury, department, officer,
17 agency, regulatory body, legislative committee, or other
18 authority of this State, or a political subdivision of the
19 State, other than in a prosecution of:

20 (A) the qualified ~~a drug~~ offense for which approval was
21 given to record or intercept a conversation under this
22 subsection (q);

23 (B) a forcible felony committed directly in the course
24 of the investigation of the qualified ~~a drug~~ offense for
25 which ~~verbal~~ approval was given to record or intercept a
26 conversation under this subsection (q); or

1 (C) any other forcible felony committed while the
2 recording or interception was approved in accordance with
3 this subsection ~~Section~~ (q), but for this specific category
4 of prosecutions, only if the law enforcement officer or
5 person acting at the direction of a law enforcement officer
6 who has consented to the conversation being intercepted or
7 recorded suffers great bodily injury or is killed during
8 the commission of the charged forcible felony.

9 (5) Compliance with the provisions of this subsection is a
10 prerequisite to the admissibility in evidence of any part of
11 the contents of any wire, electronic or oral communication that
12 has been intercepted as a result of this exception, but nothing
13 in this subsection shall be deemed to prevent a court from
14 otherwise excluding the evidence on any other ground recognized
15 by State or federal law, nor shall anything in this subsection
16 be deemed to prevent a court from independently reviewing the
17 admissibility of the evidence for compliance with the Fourth
18 Amendment to the U.S. Constitution or with Article I, Section 6
19 of the Illinois Constitution.

20 (6) Use of recordings or intercepts unrelated to qualified
21 ~~drug~~ offenses. Whenever any private conversation or private
22 electronic wire, electronic, or oral communication has been
23 recorded or intercepted as a result of this exception that is
24 not related to an offense for which the recording or intercept
25 is admissible under paragraph (4) of this subsection (q) a drug
26 ~~offense or a forcible felony committed in the course of a drug~~

1 ~~offense~~, no part of the contents of the communication and
2 evidence derived from the communication may be received in
3 evidence in any trial, hearing, or other proceeding in or
4 before any court, grand jury, department, officer, agency,
5 regulatory body, legislative committee, or other authority of
6 this State, or a political subdivision of the State, nor may it
7 be publicly disclosed in any way.

8 (6.5) The Department of State Police shall adopt rules as
9 are necessary concerning the use of devices, retention of
10 recordings, and reports regarding their use under this
11 subsection (q).

12 (7) Definitions. For the purposes of this subsection (q)
13 only:

14 ~~"Drug offense" includes and is limited to a felony~~
15 ~~violation of one of the following: (A) the Illinois~~
16 ~~Controlled Substances Act, (B) the Cannabis Control Act,~~
17 ~~and (C) the Methamphetamine Control and Community~~
18 ~~Protection Act.~~

19 "Forcible felony" includes and is limited to those
20 offenses contained in Section 2-8 of the Criminal Code of
21 1961 as of the effective date of this amendatory Act of the
22 97th General Assembly, and only as those offenses have been
23 defined by law or judicial interpretation as of that date.

24 "Qualified offense" means and is limited to:

25 (A) a felony violation of the Cannabis Control Act,
26 the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,
2 except for violations of:

3 (i) Section 4 of the Cannabis Control Act;

4 (ii) Section 402 of the Illinois Controlled
5 Substances Act; and

6 (iii) Section 60 of the Methamphetamine
7 Control and Community Protection Act; and

8 (B) first degree murder, solicitation of murder
9 for hire, predatory criminal sexual assault of a child,
10 criminal sexual assault, aggravated criminal sexual
11 assault, residential burglary, aggravated arson,
12 kidnapping, aggravated kidnapping, child abduction,
13 trafficking in persons, involuntary servitude,
14 involuntary sexual servitude of a minor, or
15 gunrunning.

16 "State's Attorney" includes and is limited to the
17 State's Attorney or an assistant State's Attorney
18 designated by the State's Attorney to provide ~~verbal~~
19 approval to record or intercept conversations under this
20 subsection (q).

21 (8) Sunset. This subsection (q) is inoperative on and after
22 January 1, 2018 ~~2015~~. No conversations intercepted pursuant to
23 this subsection (q), while operative, shall be inadmissible in
24 a court of law by virtue of the inoperability of this
25 subsection (q) on January 1, 2018 ~~2015~~.

26 (9) Recordings, records, and custody. Any private

1 conversation or private electronic communication intercepted
2 by a law enforcement officer or a person acting at the
3 direction of law enforcement shall, if practicable, be recorded
4 in such a way as will protect the recording from editing or
5 other alteration. Any and all original recordings made under
6 this subsection (g) shall be inventoried without unnecessary
7 delay pursuant to the law enforcement agency's policies for
8 inventorying evidence. The original recordings shall not be
9 destroyed except upon an order of a court of competent
10 jurisdiction.

11 (Source: P.A. 97-333, eff. 8-12-11; 97-846, eff. 1-1-13;
12 97-897, eff. 1-1-13; 98-463, eff. 8-16-13.)

13 (720 ILCS 5/14-4) (from Ch. 38, par. 14-4)

14 Sec. 14-4. Sentence.

15 (a) Eavesdropping, for a first offense, is a Class 4 felony
16 and, for a second or subsequent offense, is a Class 3 felony.

17 (b) The eavesdropping of an oral conversation or an
18 electronic communication of ~~between~~ any law enforcement
19 officer, State's Attorney, Assistant State's Attorney, the
20 Attorney General, Assistant Attorney General, or a judge, while
21 in the performance of his or her official duties, if not
22 authorized by this Article or proper court order, is a Class 3
23 ± felony and, for a second or subsequent offense, is a Class 2
24 felony.

25 (Source: P.A. 91-357, eff. 7-29-99; 91-657, eff. 1-1-00.)

1 (720 ILCS 5/14-5) (from Ch. 38, par. 14-5)

2 Sec. 14-5. Evidence inadmissible.

3 Any evidence obtained in violation of this Article is not
4 admissible in any civil or criminal trial, or any
5 administrative or legislative inquiry or proceeding, nor in any
6 grand jury proceedings; provided, however, that so much of the
7 contents of an alleged unlawfully intercepted, overheard or
8 recorded conversation as is clearly relevant, as determined as
9 a matter of law by the court in chambers, to the proof of such
10 allegation may be admitted into evidence in any criminal trial
11 or grand jury proceeding brought against any person charged
12 with violating any provision of this Article. Nothing in this
13 Section bars admission of evidence if all parties to the
14 private conversation or private electronic communication
15 consent to admission of the evidence.

16 (Source: Laws 1965, p. 3198.)

17 (720 ILCS 5/14-10 new)

18 Sec. 14-10. Severability. If any provision of this Article
19 or its application to any person or circumstance is held to be
20 unconstitutional or invalid for any reason by any court of
21 competent jurisdiction, the unconstitutionality or invalidity
22 of that provision or application does not affect other
23 provisions or applications of this Article that can be given
24 effect without the unconstitutional or invalid provision or

1 application.

2 Section 10. The Unified Code of Corrections is amended by
3 changing Section 3-14-1 as follows:

4 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

5 Sec. 3-14-1. Release from the Institution.

6 (a) Upon release of a person on parole, mandatory release,
7 final discharge or pardon the Department shall return all
8 property held for him, provide him with suitable clothing and
9 procure necessary transportation for him to his designated
10 place of residence and employment. It may provide such person
11 with a grant of money for travel and expenses which may be paid
12 in installments. The amount of the money grant shall be
13 determined by the Department.

14 (a-1) The Department shall, before a wrongfully imprisoned
15 person, as defined in Section 3-1-2 of this Code, is discharged
16 from the Department, provide him or her with any documents
17 necessary after discharge, including an identification card
18 under subsection (e) of this Section.

19 (a-2) The Department of Corrections may establish and
20 maintain, in any institution it administers, revolving funds to
21 be known as "Travel and Allowances Revolving Funds". These
22 revolving funds shall be used for advancing travel and expense
23 allowances to committed, paroled, and discharged prisoners.
24 The moneys paid into such revolving funds shall be from

1 appropriations to the Department for Committed, Paroled, and
2 Discharged Prisoners.

3 (b) (Blank).

4 (c) Except as otherwise provided in this Code, the
5 Department shall establish procedures to provide written
6 notification of any release of any person who has been
7 convicted of a felony to the State's Attorney and sheriff of
8 the county from which the offender was committed, and the
9 State's Attorney and sheriff of the county into which the
10 offender is to be paroled or released. Except as otherwise
11 provided in this Code, the Department shall establish
12 procedures to provide written notification to the proper law
13 enforcement agency for any municipality of any release of any
14 person who has been convicted of a felony if the arrest of the
15 offender or the commission of the offense took place in the
16 municipality, if the offender is to be paroled or released into
17 the municipality, or if the offender resided in the
18 municipality at the time of the commission of the offense. If a
19 person convicted of a felony who is in the custody of the
20 Department of Corrections or on parole or mandatory supervised
21 release informs the Department that he or she has resided,
22 resides, or will reside at an address that is a housing
23 facility owned, managed, operated, or leased by a public
24 housing agency, the Department must send written notification
25 of that information to the public housing agency that owns,
26 manages, operates, or leases the housing facility. The written

1 notification shall, when possible, be given at least 14 days
2 before release of the person from custody, or as soon
3 thereafter as possible. The written notification shall be
4 provided electronically if the State's Attorney, sheriff,
5 proper law enforcement agency, or public housing agency has
6 provided the Department with an accurate and up to date email
7 address.

8 (c-1) (Blank).

9 (c-2) The Department shall establish procedures to provide
10 notice to the Department of State Police of the release or
11 discharge of persons convicted of violations of the
12 Methamphetamine Control and Community Protection Act or a
13 violation of the Methamphetamine Precursor Control Act. The
14 Department of State Police shall make this information
15 available to local, State, or federal law enforcement agencies
16 upon request.

17 (c-5) If a person on parole or mandatory supervised release
18 becomes a resident of a facility licensed or regulated by the
19 Department of Public Health, the Illinois Department of Public
20 Aid, or the Illinois Department of Human Services, the
21 Department of Corrections shall provide copies of the following
22 information to the appropriate licensing or regulating
23 Department and the licensed or regulated facility where the
24 person becomes a resident:

25 (1) The mittimus and any pre-sentence investigation
26 reports.

1 (2) The social evaluation prepared pursuant to Section
2 3-8-2.

3 (3) Any pre-release evaluation conducted pursuant to
4 subsection (j) of Section 3-6-2.

5 (4) Reports of disciplinary infractions and
6 dispositions.

7 (5) Any parole plan, including orders issued by the
8 Prisoner Review Board, and any violation reports and
9 dispositions.

10 (6) The name and contact information for the assigned
11 parole agent and parole supervisor.

12 This information shall be provided within 3 days of the
13 person becoming a resident of the facility.

14 (c-10) If a person on parole or mandatory supervised
15 release becomes a resident of a facility licensed or regulated
16 by the Department of Public Health, the Illinois Department of
17 Public Aid, or the Illinois Department of Human Services, the
18 Department of Corrections shall provide written notification
19 of such residence to the following:

20 (1) The Prisoner Review Board.

21 (2) The chief of police and sheriff in the municipality
22 and county in which the licensed facility is located.

23 The notification shall be provided within 3 days of the
24 person becoming a resident of the facility.

25 (d) Upon the release of a committed person on parole,
26 mandatory supervised release, final discharge or pardon, the

1 Department shall provide such person with information
2 concerning programs and services of the Illinois Department of
3 Public Health to ascertain whether such person has been exposed
4 to the human immunodeficiency virus (HIV) or any identified
5 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

6 (e) Upon the release of a committed person on parole,
7 mandatory supervised release, final discharge, pardon, or who
8 has been wrongfully imprisoned, the Department shall provide
9 the person who has met the criteria established by the
10 Department with an identification card identifying the person
11 as being on parole, mandatory supervised release, final
12 discharge, pardon, or wrongfully imprisoned, as the case may
13 be. The Department, in consultation with the Office of the
14 Secretary of State, shall prescribe the form of the
15 identification card, which may be similar to the form of the
16 standard Illinois Identification Card. The Department shall
17 inform the committed person that he or she may present the
18 identification card to the Office of the Secretary of State
19 upon application for a standard Illinois Identification Card in
20 accordance with the Illinois Identification Card Act. The
21 Department shall require the committed person to pay a \$1 fee
22 for the identification card.

23 For purposes of a committed person receiving an
24 identification card issued by the Department under this
25 subsection, the Department shall establish criteria that the
26 committed person must meet before the card is issued. It is the

1 sole responsibility of the committed person requesting the
2 identification card issued by the Department to meet the
3 established criteria. The person's failure to meet the criteria
4 is sufficient reason to deny the committed person the
5 identification card. An identification card issued by the
6 Department under this subsection shall be valid for a period of
7 time not to exceed 90 ~~30~~ calendar days from the date the card
8 is issued. The Department shall not be held civilly or
9 criminally liable to anyone because of any act of any person
10 utilizing a card issued by the Department under this
11 subsection.

12 The Department shall adopt rules governing the issuance of
13 identification cards to committed persons being released on
14 parole, mandatory supervised release, final discharge, or
15 pardon.

16 (Source: P.A. 97-560, eff. 1-1-12; 97-813, eff. 7-13-12;
17 98-267, eff. 1-1-14.)".